IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 20172 of 2006

DATED: 27-9-2006

Between:

S.K.Chand Basha petitioner

And

The Regional Manager,
APSRTC,
Nellore, Nellore district Respondents

-
-

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 20172 of 2006

ORAL ORDER:

This writ petition is filed seeking Writ of *Mandamus* declaring the action of the respondents in passing the impugned order dated 2.2.1993 imposing punishment of deferment of annual increment for a period of one year with cumulative effect.

The case of the petitioner is that he is employed as Driver in the respondent corporation. While so, on 8.1.1988 he was issued with a charge sheet alleging rash and negligent driving on 14.10.1987. The petitioner submitted his explanation denying the charges levelled against him. However, without considering the same, and without conducting any enquiry, the impugned final orders dated 24.6.1988 were passed imposing punishment of deferment of annual increment for a period of two years with cumulative effect. The appeal preferred by the petitioner was rejected by order dated 18.8.1992. Further the petitioner preferred a review and the same was partly allowed by order dated 2.2.1993 modifying the punishment as deferment of annual increment for a period of one year with cumulative effect. Questioning the said order dated 2.2.1993, the present writ petition is filed on the ground that imposing the major punishment without conducting a departmental enquiry, is illegal.

Learned counsel for petitioner contends that punishment of deferment of increments for a period of one year with cumulative effect is a major penalty and the same cannot be imposed without conducting regular departmental enquiry as contemplated under the

APSRTC Employees' (CC & A) Regulations. In support of his contention, he placed reliance on judgment of the Supreme Court in KULWANTH SINGH GILL Vs. STATE OF PUNJAB[1].

Admittedly, the punishment imposed on the petitioner was modified by the proceedings dated 2.2.1993 and the petitioner having accepted the said punishment, kept quiet for all these years. The petitioner has not explained the reasons as to why he has kept quiet without challenging the proceedings dated 2.2.1993. The petitioner after lapse of more than 13 years from the date of imposition of the impugned punishment, has sought to file the present writ petition without explaining the reasons for inordinate delay. In the circumstances, this Court is of the considered opinion that the writ petition is liable to be dismissed for laches.

Accordingly, the writ petition is dismissed. No costs.

_____

N.V.RAMANA,J

DATE: 27.9.2006
TVK

53

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 20172 of 2006

DATED: 27-9-2006

---

[1] 1990 (1) LLJ 635